

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

GIANNI STEWART,

Defendant.
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ORDER

21-CR-411 (WFK)

WILLIAM F. KUNTZ, II, United States District Judge:

On August 2, 2023, the Court held a bond revocation hearing in the above-captioned action in response to Pretrial Services' Memorandum at ECF No. 181, informing the Court Defendant had violated the conditions of his release. At the proceeding, upon hearing from both parties, the Court revoked Defendant's bond and remanded him into the custody of the United States Marshals Service ("USMS"). ECF Nos. 192, 193.

On September 18, 2023, defense counsel filed a motion to reinstate Defendant's bond. ECF No. 197.

On September 19, 2023, Magistrate Judge Cheryl L. Pollak held a bond revocation hearing and subsequently denied Defendant's renewed application. ECF No. 198 (a copy of the minute entry from this proceeding is attached to this Order as Court Exhibit 1 in evidence). Defense counsel promptly appealed Magistrate Judge Pollak's Order and requested this Court review Defendant's renewed application. This Court granted defense counsel's request and held a bond reinstatement hearing that same day.

In light of the parties' presentations at the bond reinstatement hearing, the Court concludes Defendant poses a danger to the community and is a flight risk, and no combination of

conditions can reasonably assure Defendant's presence at future court proceedings.

Accordingly, defense counsel's motion to reinstate Defendant's bond is DENIED and Magistrate Judge Pollak's decision is affirmed.

The Court further DIRECTS defense counsel to renew his bond application before Magistrate Judge Pollak in accordance with her Minute Entry and Order at ECF No. 198 in order to clarify: (1) the higher amount for the bond; (2) the number of sureties; and (3) the terms and conditions for the electronic monitoring the Magistrate Judge would require in order to reconsider her position with respect to Defendant's bond application.

Defendant will remain detained pending trial or another final disposition of this action.

SO ORDERED.

s/WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2023
Brooklyn, New York

MINUTE ENTRY FOR CRIMINAL PROCEEDING

BEFORE MAG. JUDGE Cheryl L. Pollak DATE: 9/19/23DOCKET NUMBER: 21CR411(WFK) LOG#: 12:02-12:28DEFENDANT'S NAME: Gianni Stewart
☒ Present ☐ Not Present ☒ Custody ☐ BailDEFENSE COUNSEL: Samuel Schmidt
☐ Federal Defender ☒ CJA ☐ RetainedA.U.S.A: Tara McGrath CLERK: Felix Chin

INTERPRETER: _____ (Language) _____

Defendant arraigned on the: ☐ indictment ☐ superseding indictment ☐ probation violation☐ Defendant pleads NOT GUILTY to ALL counts.☐ DETENTION HEARING Held. ☐ Defendant's first appearance.☐ Bond set at _____. Defendant ☐ released ☐ held pending satisfaction of bond conditions.☐ Defendant advised of bond conditions set by the Court and signed the bond.☐ Surety (ies) sworn, advised of bond obligations by the Court and signed the bond.☐ (Additional) surety/ies to co-sign bond by _____☐ After hearing, Court orders detention in custody. ☐ Leave to reopen granted☐ Temporary Order of Detention Issued. Bail Hearing set for _____☐ At this time, defense counsel states on the record that the defendant does not have a bail application / package. Order of detention entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.☐ Order of Excludable Delay/Speedy Trial entered. Start _____ Stop _____☐ Rule 5f warnings given to the govt. ☐ Medical memo issued.☐ Defendant failed to appear, bench warrant issued.☐ Status conference set for _____ @ _____ before Judge _____Other Rulings: Defse counsel argued for the re-instatement of the previous bond; govt opposed; court denied the application and would require a higher amount for the bond with more sureties and electronic monitoring. Defse counsel seeks to appeal MJ Pollak's ruling.